

2019. 102
RTK REQUEST NUMBER

7.17.19
DATE RECEIVED

7.24.19
5 DAY RESPONSE DATE



COUNTY OF LUZERNE

RIGHT TO KNOW LAW REQUEST FORM

NAME OF REQUESTER: Mocarisky Steve W
(PLEASE PRINT CLEARLY) LAST FIRST MI

MAILING ADDRESS: The Citizens' Voice, 75 N. Washington St.
STREET / P.O. BOX

Wilkes-Barre PA 18701
CITY STATE ZIP CODE

PHONE # 570-821-2110 FAX# 570-821-2247

EMAIL ADDRESS: smocarisky@citizensvoice.com

SIGNATURE: Steve Mocarisky DATE: 7/17/2019

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.
Records of calls for police received by Luzerne County 911 between July 1 and July 7, 2019, related to complaints about fireworks (showing time and date of call, municipality, street name, and, if possible, nature of complaint, e.g. noise, too close to occupied homes, etc.). Also, records of calls for the same date range for ambulance/EMS for injuries related to fireworks (showing the same data as for police calls).

PLEASE CHECK ONE OF THE FOLLOWING:
 I AM ONLY REQUESTING ACCESS TO THE DOCUMENT(S)
 I AM REQUESTING A HARD COPY OF THE DOCUMENT(S) (PAPER, CD, etc...)
 I AM REQUESTING AN E-FILE OF THE DOCUMENT(S) (IF AVAILABLE) (PDF, EXCEL SPRDSHT, etc...)

PLEASE NOTE: LUZERNE COUNTY IS NOT REQUIRED TO CREATE A RECORD WHICH DOES NOT CURRENTLY EXIST OR TO COMPILE, MAINTAIN, FORMAT OR ORGANIZE A RECORD IN A MANNER IN WHICH THE AGENCY DOES NOT CURRENTLY COMPILE, MAINTAIN, FORMAT OR ORGANIZE THE RECORD



Right-To-Know Response Form

July 22, 2019

Steve Mocarsky
VIA EMAIL TO: smocarsky@citizensvoice.com
RTK REQUEST #2019-102

Dear Steve:

Thank you for writing to Luzerne County with your request for information pursuant to the Pennsylvania Right- To-Know law ("RTKL").

Recently, the Luzerne County Office of Law received a request for documents from you described in the attached Right To Know request. Your request is attached in part and denied because Luzerne County does not maintain these documents. §705 of the RTKL states that "when responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record".

To further assist you, we do not have the ability to pair down calls because we do not have an incident code for "fireworks", we would put them up as either "police calls" such as generic or miscellaneous calls, or "noise" complaints.

We could give you all police and noise calls, because of the 911 RTK law, you wouldn't be able to determine which ones you are actually looking for. Not to mention, they wouldn't have addresses or details anyway only response times.

You have a right to appeal this denial of information in writing to Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

If you choose to file an appeal, you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please contact Laura C. Dennis. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

Laura C. Dennis, Esq.
Luzerne County
Open Records Officer
200 North River Street
Wilkes-Barre, PA 18711